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Mik, what  
do you think?  
Tom  
February 6, 2001

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Mr. Thomas J. Martin, Jr.  
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Re: Sauget Area 2

Dear Tom:

Under the AOC for the Sauget Area 1 RI/FS and EE/CA, the AOC for the Sauget Area 2 RF/FS and the UAO for the Time-Critical Removal of Sediments from Dead Creek, Solutia is ordered to "preserve all documents and information in their possession relating to work performed under the [the orders], or relating to the hazardous substances found on or released from the Site, for six years following completion of the actions required by [the orders]." Solutia interprets this to mean that it should preserve all draft and final reports actually sent to EPA under the orders, all correspondence with government agencies regarding the work under the orders (including letters and electronic mail), all contracts with consultants undertaking work under the orders, and all other correspondence and notes related to the work under the orders and kept in the normal course of business at Solutia.

Solutia, in its normal course of business, follows a formal course of record retention which requires destruction of categories of documents on a routine basis. This policy will continue to be followed except for the documents set out in the paragraph above. Thus, pursuant to its record retention policy, Solutia is not retaining interim drafts of documents not provided to third parties. It is also not retaining notes and other documents not kept in the ordinary course of Solutia's business. ?

Solutia does not believe that the orders require it to waive any privileges associated with a particular document. If the Agency disagrees with an of the above interpretations of the language of the orders, please let us know as soon as possible.